

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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CAPITOL RECORDS, INC., ARISTA  
RECORDS, INC., ATLANTIC RECORDING :  
CORPORATION, THE RCA RECORD LABEL,  
A UNIT OF BMG ENTERTAINMENT, BAD :  
BOY RECORDS, ELEKTRA  
ENTERTAINMENT GROUP, INC., FONOVIDA, :  
INC., HOLLYWOOD RECORDS, INC.,  
INTERSCOPE RECORDS, LAFACE RECORDS, :  
LOUD RECORDS LLC, MAVERICK  
RECORDING COMPANY, MOTOWN RECORD :  
COMPANY, L.P., MUSICAL PRODUCTIONS,  
INC., NOO TRYBE RECORDS, INC., :  
PLATANO RECORDS CORPORATION,  
PRIORITY RECORDS LLC, NOO TRYBE :  
RECORDS, INC. d/b/a RAP-A-LOT RECORDS,  
LONDON-SIRE RECORDS GROUP, INC., :  
SONY DISCOS INC., SONY MUSIC  
ENTERTAINMENT INC., UMG RECORDINGS, :  
INC., VIRGIN RECORDS AMERICA, INC.,  
WARNER BROS. RECORDS INC., WEA :  
INTERNATIONAL, INC., WEA LATINA, INC.,  
and ZOMBA RECORDING CORPORATION, :  
  
Plaintiffs, :  
  
v. :  
  
WINGS DIGITAL CORPORATION, a New York :  
corporation, Maninder Sethi, an individual, and  
DOES 1 through 10, inclusive, :  
  
Defendants. :  
----- X

CASE NO.: CV 01 4323 (JS) (ARL)

RECEIVED  
IN CHAMBERS OF  
HON. JOANNA SEYBERT  
★ FEB -4 2004 ★  
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**STIPULATED JUDGMENT AND PERMANENT INJUNCTION**

WHEREAS, Plaintiffs Capitol Records, Inc., Arista Records, Inc., Atlantic Recording Corporation, The RCA Record Label, a unit of BMG Entertainment, Bad Boy Records, Elektra Entertainment Group, Inc., Fonovisa, Inc., Hollywood Records, Inc., Interscope

Records, Laface Records, Loud Records LLC, Maverick Recording Company, Motown Record Company, L.P., Musical Productions, Inc., Noo Trybe Records, Inc., Platano Records Corporation, Priority Records LLC, Noo Trybe Records, Inc. d/b/a Rap-A-Lot Records, London-Sire Records Group, Inc. (a/k/a London-Sire Records, Inc.), Sony Discos Inc., Sony Music Entertainment Inc., UMG Recordings, Inc., Virgin Records America, Inc., Warner Bros. Records Inc., WEA International, Inc., WEA Latina, Inc., and Zomba Recording Corporation (collectively, the "Plaintiffs"), and defendants Wings Digital Corporation ("Wings") and Maninder Sethi ("Sethi") (collectively, the "Defendants") (the Plaintiffs and the Defendants, collectively, the "Parties"), have consented to certain relief as set out below, pursuant to a signed agreement between the parties, on consent of the said Parties,

It is hereby ORDERED, ADJUDGED AND DECREED, that this stipulated judgment and permanent injunction ("Stipulated Judgment and Permanent Injunction") be entered as the final judgment in the above-captioned action (the "Action") as follows:

1. This Court has jurisdiction over the subject matter of this Action under the provisions of the Copyright Laws, Title 17 of the United States Codes, and pursuant to 28 U.S.C. 1338. This Court has personal jurisdiction over Defendants Wings and Sethi, each of whom has appeared by its undersigned counsel, and venue is proper.

2. The Action is hereby dismissed with prejudice, except that this Stipulated Judgment and Permanent Injunction shall remain in full force and effect and this Court shall have and retain continuing jurisdiction to enforce the terms of this Stipulated Judgment and Permanent Injunction, and to enforce the terms of that certain Settlement Agreement entered into by and among the Plaintiffs, the Defendants and the Recording Industry Association of America, Inc., dated as of January 14, 2004.

3. Defendants, and each of them, and their respective agents, servants, employees, officers, attorneys, successors, and assigns, and all persons acting in concert or participation with each or any of them, shall be and are hereby permanently restrained and enjoined from directly or indirectly infringing any right in sound recordings, whether now in existence or later created, which are now or in the future owned or controlled by one or more of the Plaintiffs (or any parent, subsidiary or affiliate of Plaintiffs), including, without limitation, (i) the sound recordings identified in Exhibits A and/or B annexed to the Complaint filed by Plaintiffs in the Action on or about June 26, 2001 (the "Complaint"), and (ii) the sound recordings identified in Exhibits A and/or B annexed to the Proposed Amended Complaint filed by Plaintiffs in the Action on or about December 30, 2002 in connection with Plaintiffs' Motion to Amend the Complaint (the "Amended Complaint") (collectively, "Plaintiffs' Recordings"). For purposes of this paragraph and this Stipulated Judgment and Permanent Injunction, "directly or indirectly infringing any right in sound recordings" shall include, without limitation, manufacturing, copying, reproducing, displaying, converting, advertising, promoting, importing, exporting, replicating, selling, offering for sale, distributing, or otherwise disposing of, or causing to be manufactured, converted, advertised, promoted, imported, exported, replicated, sold, offered for sale, distributed or disposed of, in any manner and through any means whatsoever, except pursuant to a lawful license from, or with express authority of, Plaintiffs.

4. Each of the Parties shall bear its own costs and attorneys' fees in connection with this Action.

5. Defendants irrevocably and fully waive any and all right to appeal the Stipulated Judgment and Permanent Injunction, to have it vacated or set aside, to seek or obtain a

new trial thereon, or otherwise to attack in any way, directly or collaterally, its validity or enforceability.

6. Nothing contained in this Stipulated Judgment and Permanent Injunction shall limit the right of Plaintiffs to recover damages for: (i) any and all infringements by Defendant Wings of any right under federal copyright law or state law in Plaintiffs' Recordings not listed in Exhibits A or B to the Complaint, or not listed in Exhibits A or B to the Amended Complaint; (ii) any and all infringements by one or both of the Defendants of any right under federal copyright law or state law in Plaintiffs' Recordings arising from or relating to infringement on or through the Internet; or (iii) any and all infringements by one or both of the Defendants of any right under federal copyright law or state law in Plaintiffs' Recordings occurring after the date Defendants execute the Stipulated Judgment and Permanent Injunction.

Dated: February 2, 2004

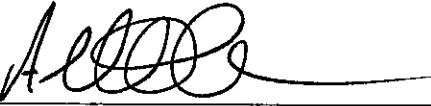
AGREED TO AND ACCEPTED:

BROWN RAYSMAN MILLSTEIN  
FELDER & STEINER LLP

By:   
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Attorneys for Defendant Maninder Sethi

SO ORDERED AND JUDGMENT ENTERED THIS 6 DAY OF February, 2004

GE

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(a) COUNSEL IS DIRECTED TO IM  
ALL PARTIES OF THIS ORD

**BROWN RAYSMAN**

BROWN RAYSMAN MILLSTEIN FELDER & STEINER LLP

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February 3, 2004

**Via Federal Express**

Honorable Joanna Seybert  
United States District Court  
Eastern District of New York  
100 Federal Plaza, Room 1034  
Central Islip, New York 11722-4451

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FEB ~4 2004

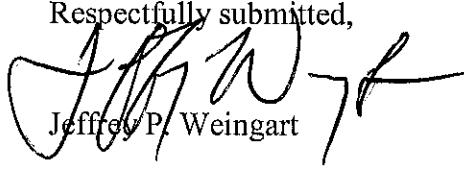
Re: Capitol Records, Inc. v. Wings Digital Corp., 01-CV-4323 (JS) (ARL)

Dear Judge Seybert:

This firm represents the Plaintiffs in the above-referenced action. We are writing on behalf of all of the parties to inform the Court that the parties have entered into a settlement agreement in connection with this action. In accordance with the terms of such settlement agreement and in compliance with Magistrate Judge Arlene Lindsay's Order dated February 2, 2004, enclosed is a Stipulated Judgment and Permanent Injunction (the "Stipulated Judgment") executed by counsel for each of the parties. The parties respectfully request that Your Honor So Order the Stipulated Judgment and cause it to be duly entered. Also enclosed is an extra copy of the Stipulated Judgment which we would request that the Court stamp as filed and return to the undersigned in the enclosed Federal Express envelope.

Thank you very much for your attention to this matter.

Respectfully submitted,

  
Jeffrey P. Weingart

cc. Honorable Arlene R. Lindsay (Via Federal Express w/encl.)  
A. Mitchell Greene, Esq. (Via Federal Express w/encl.)  
Rachel Schwartz, Esq. (Via Federal Express w/encl.)  
Linda Zirkelbach, Esq. (Via Federal Express w/encl.)

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